

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

JOSEPHINE CRUZ
Plaintiff

v.

JED JOHNSON, SECRETARY
DEPARTMENT OF HOMELAND
SECURITY
Defendant

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CIVIL ACTION NO.

PLAINTIFF DEMAND A JURY

COMPLAINT

Plaintiff Josephine Cruz files this Complaint and against the Jed Johnson, Secretary Department of Homeland Security.

I. PARTIES

1. Plaintiff is Josephine Cruz
2. Defendant is the Jed Johnson, Secretary, Department of Homeland Security.

II. VENUE

3. Venue is proper under 28 U.S. CODE § 1391(b)(1) and (2).

III. JURISDICTION

4. Jurisdiction is proper under 28 U.S.C. §1331.

IV. STATEMENT OF BASIC FACTS

5. Cruz became an employee of the Federal Emergency Management Agency, which is part of the Department of Homeland Security in 2008 where she had the position of a GS-7 Human Services Speciality at FEMA's National Processing Center in Denton Texas.
6. During her employment at the FEMA Center, Cruz performed her job well; however, she was

subject of numerous retaliatory actions taken against her by her supervisors. She was also subjected to a hostile work environment. These actions were because of her national origin (Hispanic) and in retaliation for engaging in protected activity.

7. Cruz dutifully reported these actions to the EEO office at FEMA; however, the Agency did not cease and desist from these action and instead Cruz was terminated on March 9, 2013. The reasons given were because of alleged unprofessional conduct. However, the reasons given for her termination were merely pretext while the real reasons for her termination were based upon retaliation for her engaging in her protected activity and because of her national origin (Hispanic).

V. VIOLATION OF 42 U.S.C. § 2000e, TITLE VII OF THE CIVIL RIGHTS ACT OF 1964 AND COMPLIANCE WITH CERTAIN JURISDICTIONAL PREREQUISITES

8. This is an employment discrimination for wrongful termination because of prohibited employment discrimination and retaliation under 41 U.S.C. § 2000e-2(a) and 3(a).
9. Because Cruz was an employee of a Department of the United States Government, she first timely submitted her claim to the Agency under 29 CFR Part 1614 Subpart A and went through the Agency EEO process.
10. After Cruz did not obtain relief under the EEO process, she further timely filed her appeal with the Equal Employment Opportunity Commission under 28 CFR Part 1614, Subpart D.
11. This matter was then submitted to an Administrative law judge who ruled against Cruz.
12. The Agency formally issued its Final Order on February 2, 2015 denying Cruz's claims.
13. Cruz is therefore filing his civil action against the Agency pursuant to 29 CFR §1614.407

VII. DAMAGES

14. As a result of The Agency's discriminatory actions, Cruz has suffered damages which she

seeks to recover from The Agency including but not limited to back pay, lost wages and other benefits, loss of earning capacity, compensatory damages, front pay, and damages for emotional anguish as well as for reinstatement.

15. **VII. ATTORNEYS' FEES**

Cruz seeks attorneys' fees and litigation costs.

VIII. JURY DEMAND

Cruz demands a jury.

IX. PRAYER

Cruz seeks back pay, lost wages and other benefits, loss of earning capacity, compensatory damages, front pay, and damages for emotional anguish as well as for reinstatement, and that this court award attorneys' fees and costs; and additional relief to which Cruz may be entitled, at law or in equity.

Respectfully submitted,

/s/ John E. Richards

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